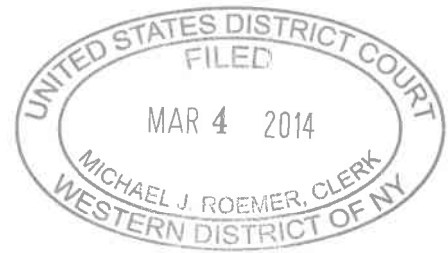


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



GALE MATTHEWS-BENSON,

Plaintiff,

v.

DECISION AND ORDER
09-CV-36

TOWN OF CHEEKTOWAGA,
TOWN OF CHEEKTOWAGA POLICE
DEPARTMENT, and
POLICE OFFICER BRIAN R. GRAY,

Defendants.

The instant matter was referred to Magistrate Judge Leslie G. Foschio pursuant to 42 U.S.C. §636(b)(1) for supervision of all pre-trial proceedings. On June 29, 2012, defendants filed a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. (Dkt. No. 44) On December 4, 2013, Magistrate Judge Foschio issued a detailed and comprehensive 30-page Report and Recommendation recommending that defendants' motion for summary judgment be granted in its entirety. (Dkt. No. 50)

Plaintiff filed objections to Magistrate Judge Foschio's Report and Recommendation on January 2, 2014. (Dkt. No. 53) Defendants filed a reply on January 22, 2014. (Dkt. No. 55) Oral argument was held on February 5, 2014, at which time the Court considered the matter submitted.

Pursuant to 28 U.S.C. §636(b)(1), this Court must make a *de novo*

determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after reviewing the submissions from the parties and hearing oral argument, the Court hereby adopts Magistrate Judge Foschio's findings in their entirety.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants' motion for summary judgment is granted in its entirety. The Clerk of the Court is directed to close the case.

SO ORDERED.



HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: February 28, 2014